



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DAVIDSON, DAVIDSON & KAPPEL, LLC
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NEW YORK, NY 10018

In re Application of
Benjamin Oshlack et al
Serial No.: 09/598,324
Filed: June 20, 2000
Attorney Docket No.: 200.94107

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: WITHDRAWAL OF ABANDONMENT
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This is in response to applicants' petition under 37 CFR 1.181, filed February 3, 2003, requesting revival of the above-identified application based on non-receipt of an Office action.

A review of the file history shows the Office mailed a Notice of Missing Parts to applicants at the above firm's address of "1140 Avenue of the Americas, 15th Floor, New York, NY, 10036" on September 15, 2000. A reply was filed on September 28, 2000, which included the same correspondence address. On February 26, 2001, applicants submitted an Information Disclosure Statement which contained a new correspondence address, however no indication that this was a new correspondence address was given. A first Office action was mailed to applicants on July 18, 2001, at the original correspondence address (1140 Avenue of the Americas, 15th Floor, New York, NY, 10036) to which a reply was made on December 3, 2001, which again set forth the new correspondence address. However no attention was drawn to the new address. A second Office action was mailed to applicants on March 13, 2002, to the original address of record. Applicants state that the Office action was never received. It was not until January 9, 2003, that a change of correspondence address was filed in this application giving the above address as the new correspondence address. A Notice of Abandonment was mailed to applicants at the new address on January 10, 2003. It is clear that applicants' correspondence address changed prior to the first Office action being mailed and likely in January or February, 2001, more than two years ago, and that applicants failed to inform the Office of the change until January, 2003. Thus failure to receive the last Office action appears to be based on applicants' failure to promptly inform the Office of a change in correspondence address.

Applicants' petition is **DISMISSED**.

Any renewed petition must be filed within TWO MONTHS of the mail date of this decision in order to be considered timely. Any renewed petition must explain the effective date of the change of mail address and, if necessary, why it was not earlier provided.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.



John Doll
Director, Technology Center 1600